

EXHIBIT 4

To the Frawley Declaration
ISO Plaintiffs' Motion to Strike
Non-Retained Expert
Declarations

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Diane M. Doolittle (CA Bar No. 142046)
dianedoolittle@quinnemanuel.com
Thao Thai (CA Bar No. 324672)
thaothai@quinnemanuel.com
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)
sb@quinnemanuel.com
Viola Trebicka (CA Bar No. 269526)
violatrebicka@quinnemanuel.com
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

William A. Burck (admitted *pro hac vice*)
williamburck@quinnemanuel.com
Josef Ansorge (admitted *pro hac vice*)
josefansorge@quinnemanuel.com
1300 I. Street, N.W., Suite 900
Washington, D.C. 20005
Telephone: 202-538-8000
Facsimile: 202-538-8100

Jonathan Tse (CA Bar No. 305468)
jonathantse@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, MARIA NGUYEN,
and WILLIAM BYATT, individually and on
behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK

**DEFENDANT'S INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Judge: Honorable Lucy H. Koh

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Google LLC (“Google”) hereby provides the following Initial Disclosures to Plaintiffs Chasom Brown, Maria Nguyen, and William Byatt (collectively, “Plaintiffs”).

GENERAL OBJECTIONS AND LIMITATIONS

Google makes these Initial Disclosures based on the information reasonably available to it as of the present date. Google reserves the right to supplement, amend, modify, or alter these disclosures as new information becomes available. These disclosures represent a good-faith effort to identify information that Google reasonably believes it may use to support one or more of its various claims or defenses. By making the following disclosures, Google does not represent that every individual or entity identified herein necessarily possesses such information or that the individual or entity possesses relevant information. Nor does Google represent that it is identifying every document, tangible thing, or witness it may use to support its claims or defenses. Google employees may only be contacted through Google’s counsel. Google reserves the right to amend these disclosures as additional information becomes available, through discovery or otherwise. Google also reserves the right to call any witness, including the right to identify expert witnesses, or present any exhibit or item at trial not listed herein but determined through discovery, investigation, or otherwise to support its claims or defenses.

By making these Initial Disclosures, Google does not waive its right to object to discovery of any information based on disclosures herein on the grounds of the attorney-client privilege, work-product doctrine, or any other applicable privilege, immunity, law, or rule. Nor does Google waive its right to assert any other objection authorized by the Federal Rules of Civil Procedure or any other applicable rule or law in response to interrogatories, requests for admission, requests for production of documents, questions at depositions, or any other discovery requests involving or relating to the subject matter of these disclosures.

All of the disclosures set forth below are made subject to the above objections and qualifications.

I. Individuals (Fed. R. Civ. P. 26(a)(1)(A)(i))

Google identifies the following individuals likely to have discoverable information that Google

1 may use to support its claims or defenses. Google reserves the right to supplement or amend this
 2 disclosure pursuant to Rule 26(e) of the Federal Rules of Civil Procedure if additional individuals or
 3 subjects are identified. The following list shall not be interpreted to be an admission that any of the
 4 listed individuals will have discoverable information.

5 All communications with the individuals listed below for which “Quinn Emanuel Urquhart &
 6 Sullivan, LLP; 865 S. Figueroa Street, 10th Floor, Los Angeles, CA 90017” is listed as the address
 7 should be made through Google’s counsel of record. To the extent that Google currently is aware of
 8 the contact information for any disclosed individual, it has been provided below.

9 By indicating the general subject matter of information these individuals may possess, Google
 10 is in no way limiting its right to call any individual listed to testify concerning other subjects.

| Name | Contact Information | Connection to the Case | Subject |
|--------------------|--|------------------------|--|
| Justin Schuh | May be reached through counsel for Google Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 | Google employee | Information concerning the purpose and function of the Chrome browser’s Incognito mode |
| AbdelKarim Mardini | May be reached through counsel for Google Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 | Google employee | Information concerning the purpose and function of the Chrome browser’s Incognito mode and Google’s disclosures regarding Incognito mode |

| Name | Contact Information | Connection to the Case | Subject |
|------------------|--|------------------------|--|
| Deepti Bhatnager | May be reached through counsel for Google Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 | Google employee | Information concerning functionality of Google Ads Manager |
| Keith Wright | May be reached through counsel for Google Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 | Google employee | Information concerning publisher websites' use of Google Ads Manager and Google's disclosures regarding its receipt of data from its services on third-party websites (e.g., Google Ads and Analytics) |
| Dan Stone | May be reached through counsel for Google Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa Street, 10th Floor Los Angeles, CA 90017 (213) 443-3000 | Google employee | Information concerning functionality and publisher websites' use of Google Analytics and Google's disclosures regarding its receipt of data from its services on third-party websites (e.g., Google Ads and Analytics) |

In addition to the individuals identified above, Google incorporates by reference the witnesses and their possible subjects of testimony disclosed by Plaintiffs in their Initial Disclosures and any amended Initial Disclosures, as well as those individuals identified by Plaintiffs through discovery, declaration, or other means, those individuals whose names appear on produced documents as if set

1 forth in full herein, and those individuals deposed or to be deposed in this case. Google has not yet
 2 identified all expert witnesses upon whose opinions and testimony it may rely in this matter.

3 **II. Documents, Electronically Stored Information, and Tangible Things (Fed. R. Civ. P.**
 4 **26(a)(1)(A)(ii)**

5 The categories and locations, where known, of non-privileged documents, electronically
 6 stored information, and tangible things in Google's possession, custody, or control that Google
 7 may use to support its claims or defenses include:

- 8 1. Google's publicly available disclosures related to the data it collects, including
- 9 Google's Privacy Policies, Terms of Service, and Chrome Privacy Notice;
- 10 2. Documents from Google Help Center;
- 11 3. Documents from Google Chrome Help Center;
- 12 4. Documents from Google Analytics Help Center;
- 13 5. Documents from Google Analytics Measurement Protocol Guides;
- 14 6. Documents from Google Ad Manager Help Center;
- 15 7. Documents from Google Platforms Policies Help Center;
- 16 8. Documents related to Plaintiffs' use of Google services;
- 17 9. Documents related to Plaintiffs' request for damages or other relief in this
- 18 litigation; and
- 19 10. Publicly available information related to Google's Terms of Service, Privacy
- 20 Policy, Chrome Privacy Notice, Chrome Incognito Mode, Google Ads, and Google
- 21 Analytics.

22 In addition to the above-identified categories of documents, Google incorporates by reference
 23 the categories of documents disclosed by Plaintiffs in their Initial Disclosures and any amended Initial
 24 Disclosures, and any documents identified by Plaintiffs through discovery, declaration, or other
 25 means.

26 Google expressly reserves the right to supplement this response under Rule 26(e) of the
 27 Federal Rules of Civil Procedure as its investigation continues.

28 **III. Damages (Fed. R. Civ. P. 26(a)(1)(A)(iii))**

Google has not yet filed an answer to Plaintiffs' Complaint and is not presently seeking any damages in this matter. Google reserves the right to assert counterclaims against Plaintiffs or claims against other parties in the future and to seek related damages, and it will supplement its initial disclosures accordingly at that time. Google also reserves its right to seek recovery of attorneys' fees and costs in amounts to be determined at an appropriate stage.

IV. Insurance Agreements (Fed. R. Civ. P. 26(a)(1)(A)(iv))

Google is not aware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Google expressly reserves the right to supplement its responses pursuant to Rule 26(e) of the Federal Rules of Civil Procedure as its investigation continues.

DATED: September 8, 2020

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Andrew H. Schapiro

Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)
sb@quinnemanuel.com
Viola Trebicka (CA Bar No. 269526)
violatrebicka@quinnemanuel.com
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

1 Diane M. Doolittle (CA Bar No. 142046)
2 dianedoolittle@quinnemanuel.com
3 Thao Thai (CA Bar No. 324672)
4 thaothai@quinnemanuel.com
5 555 Twin Dolphin Drive, 5th Floor
6 Redwood Shores, CA 94065
7 Telephone: (650) 801-5000
8 Facsimile: (650) 801-5100

9 William A. Burck (admitted *pro hac vice*)
10 williamburck@quinnemanuel.com
11 Josef Ansorge (admitted *pro hac vice*)
12 josefansorge@quinnemanuel.com
13 1300 I. Street, N.W., Suite 900
14 Washington, D.C. 20005
15 Telephone: 202-538-8000
16 Facsimile: 202-538-8100

17 Jonathan Tse (CA Bar No. 305468)
18 jonathantse@quinnemanuel.com
19 50 California Street, 22nd Floor
20 San Francisco, CA 94111
21 Telephone: (415) 875-6600
22 Facsimile: (415) 875-6700

23 *Attorneys for Defendant Google LLC*
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25
26
27
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 50 California St., 22nd Floor, San Francisco, California 94111.

On September 8, 2020, I served true copies of the following document(s) described as **GOOGLE LLC'S RULE 26(a)(1) INITIAL DISCLOSURES** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List pursuant to the agreement between the parties to serve discovery, in lieu of other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) (*see* Joint Case Management Statement § VIII.E, Docket No. 59). The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 8, 2020 at San Francisco, California.

/s/ Jonathan Tse
Jonathan Tse

SERVICE LIST

Brown v. Google LLC

Case No. 5:20-cv-03664-LHK

Attorneys for Plaintiffs Chasom Brown et al.

BOISE SCHILLER FLEXNER LLP

Mark C. Mao (CA Bar No. 236165)

mmao@bsflp.com

Sean Phillips Rodriguez (CA Bar No. 262437)

srodriguez@bsflp.com

Alexander Justin Konik (CA Bar No. 299291)

akonik@bsflp.com

44 Montgomery Street, 41st Floor

San Francisco, CA 94104

Telephone: (415) 293 6858

Facsimile (415) 999 9695

James W. Lee (*pro hac vice*)

jlee@bsflp.com

Rossana Baeza

rbaeza@bsflp.com

100 SE 2nd Street, Suite 2800

Miami, FL 33130

Telephone: (305) 539-8400

Facsimile: (305) 539-1304

William Christopher Carmody (*pro hac vice*)

bcarmody@susmangodfrey.com

Shawn J. Rabin (*pro hac vice*)

srabin@susmangodfrey.com

Steven Shepard (*pro hac vice*)

sshepard@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1301 Avenue of the Americas, 32nd Floor

New York, NY 10019

Telephone: (212) 336-8330

Amanda Bonn (CA Bar No. 270891)

abonn@susmangodfrey.com

SUSMAN GODFREY L.L.P.

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

Telephone: (310) 789-3100

John A. Yanchunis (*pro hac vice*)

jyanchunis@forthepeople.com

Ryan J. McGee (*pro hac vice*)

rmcgee@forthepeople.com

MORGAN & MORGAN, P.A.

201 N Franklin Street, 7th Floor
Tampa, FL 33602
Telephone: (813) 223-5505
Facsimile: (813) 222-4736

Attorney for Plaintiffs

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